REMARKS

Claims 1-4 and 8-12 have been examined. Claims 1, 2, 3, 4, 11 and 12 have been rejected under 35 U.S.C. § 112, second paragraph, and claims 1-4 and 8-12 have been rejected under 35 U.S.C. § 103(a).

Preliminary Matters

The Examiner has objected to claim 2 due to a minor informality. Accordingly, Applicant has amended claim 2 in a manner believed to overcome the objection.

Rejections under 35 U.S.C. § 112, second paragraph

Claims 1-4, 11 and 12 have been rejected under 35 U.S.C. § 112, second paragraph, due to antecedent basis errors. Accordingly, Applicant has amended the claims in a manner believed to overcome the rejection. Such amendments are not made in view of the prior art and do not narrow the scope of the claims.

Rejections under 35 U.S.C. § 103(a) in view of EP 0814632 to Aida et al. ("Aida") in view of the ATM standards ("ATM Standards Specification")

Claims 1-4 and 8-12 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Aida in view of the ATM Standards Specification.

A. Claim 1

Applicant submits that claim 1 is patentable over the cited references. For example, claim 1 recites that a "bandwidth allocated to each downward virtual path is variable under the control of a means, such as a call control means", where the call control means is provided upstream in a switching node. Further, the "upward virtual paths have a fixed bandwidth."

The Examiner maintains that the combination of Aida and the ATM Standards Specification disclose the above features. Applicant respectfully traverses the rejection. Aida is directed to determining whether, in an ATM system, connections of a received connection request should be allowed. In a case where the connection is allowed, the reference evaluates the quality of service, from a high to low priority, such that cells of higher priority levels are transmitted prior to cells of lower priority levels (pg. 4, lines 46-55).

As set forth in the April 29, 2004 Amendment, Aida fails to disclose any information regarding bandwidth allocations to both an upward and downward virtual path. On page 3 of the Office Action, the Examiner maintains that pg. 6, line 46-pg. 11, line 9, of Aida, supports variable downstream bandwidth and fixed upstream bandwidth, and further, that the connection admission control section 1 discloses the claimed control means (Fig. 2 of Aida). The portion cited by the Examiner, however, merely discloses various computations of bands of cells used to determine whether or not a connection has been allowed.

In response to Applicant's arguments provided in the April 29, 2004 Amendment, the Examiner maintains that Fig. 1 of Aida shows a block circuit diagram illustrating a buffer in an ATM connection admission control and that the purpose of the connection admission control is

for bandwidth allocation for optimizing the bandwidth allocation within a network (pgs. 2 and 3 of current Office Action). The Examiner further refers to Fig. 2 as showing that a connection admission controller is in communication with service category traffic parameters to determine bandwidth allocation for a requested connection in response to a traffic flow (pg. 3 of Office Action). However, the Examiner's above statements, in addition to Aida's disclosed determinations of whether or not to allow the connection of a received connection request based on service categories with higher or lower priority levels, still fails to teach or suggest the specific features of claim 1, as set forth above, i.e., that bandwidth allocated to each downward virtual path is variable and the upward virtual paths have a fixed bandwidth.

In addition, on pg. 6, lines 28-30 of Aida, the reference explicitly discloses "users" for which the connection is assigned. Once admission is permitted, the call sources provide input, and this input is stored into a buffer and this buffer is leaked according to the Qos class of the call source (pg. 5, lines 35-36). Nowhere does Aida mention that a constraint of fixed bandwidth is put on this "input".

The Examiner has further cited to the ATM Standards Specification. The Examiner maintains that the ATM Standards Specification teaches the details of the ATM service classes and traffic controls. However, the Examiner has not cited to any specific portions of the ATM Standards Specification which would cure the deficient teachings of Aida discussed above. Due to the extensive length of the ATM Standards Specification, i.e. 100 pages, Applicant previously requested the Examiner to specifically point out the portions relied upon by the Examiner when making the rejections (i.e., if the above rejection is to be maintained, or alternatively, if the ATM

Standards Specification is to be used in combination with another reference). In the current Office Action, the Examiner has not provided any specific support (i.e. page or line number) where the ATM Standards Specification is being relied upon. Therefore, Applicant again submits that the ATM Standards Specification fails to cure the deficient teachings of Aida.

In addition, as set forth in the April 29, 2004 Amendment, the Examiner's proffered motivation to combine the references, i.e. "to manage the available network bandwidth more efficiently for situations requiring asymmetrical bandwidth" (pg. 5 of the Office Action), is disclosed in the present Application as being one of the advantages of the Applicant's invention, i.e. "The invention takes advantage of the asymmetrical character of the traffic." (pg. 3 of the present Application). Therefore, it appears that the Examiner's motivation for combining Aida and the ATM Standards Specification was provided by the Applicant's disclosure, rather than the prior art.

In view of the above, Applicant submits that claim 1 is patentable over the combination of the cited references, and respectfully requests the Examiner to reconsider and withdraw the rejection.

B. Claim 2

Applicant submits that claim 2 is patentable over the cited reference. For example, claim 2 recites that the total bandwidth allocated to the virtual paths is limited, "to a value not greater than the bandwidth of the one or more interfaces."

On pg. 6 of the Office Action, the Examiner just reiterates the features recited in claim 2, without citing where the Aida reference discloses the particular features. The only reference to the disclosure of Aida is provided at the beginning of pg. 6 of the Office Action, where the Examiner refers to pg. 6, line 46 - pg. 11, line 9. However, such portion of Aida discloses various calculations of cell loss ratios for the different qualities of service. The cited disclosure fails to specifically disclose that the total bandwidth allocated to the downward virtual paths is limited to a value not greater than the bandwidth of one or more interfaces, as recited in claim 2.

Accordingly, Applicant submits that claim 2 is patentable over the cited reference. In addition, since claim 2 is dependent upon claim 1, Applicant submits that claim 2 is patentable at least by virtue of its dependency.

C. Claims 3 and 4

Since claims 3 and 4 are dependent upon claim 1, Applicant submits that such claims are patentable at least by virtue of their dependency.

D. Claims 8, 10 and 12

Since claims 8, 10 and 12 contain features that are analogous to the features recited in claim 1, Applicant submits that such claims are patentable for at least analogous reasons as presented above.

E. Claim 9

Since claims 9 is dependent upon claim 8, Applicant submits that such claim is patentable at least by virtue of its dependency.

F. Claim 11

Since claim 11 contains features that are analogous to the features recited in claim 2, Applicant submits that claim 11 is patentable for at least analogous reasons as claim 2. In addition, since claim 11 is dependent upon claim 10, Applicant submits that such claim is patentable at least by virtue of its dependency.

Rejection under 35 U.S.C. § 103(a) in view of Aida, the ATM Standards Specification and U.S. Patent No. 6,597,689 to Chiu et al. ("Chiu")

Claim 3 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Aida, the ATM Standards Specification and Chiu. However, claim 3 is dependent upon claim 1. Applicant has already pointed out above the deficient teachings of Aida and the ATM Standards Specification, with respect to the bandwidth allocations in the upward and downward virtual paths, and regarding the proffered motivation to combine the references. Applicant submits that Chiu fails to compensate the ATM Standards Specification and the Aida reference. Therefore, even if taken together, the combined teachings of the references fail to meet the above-identified

limitations. Accordingly, Applicant submits that claim 3 is patentable at least by virtue of its dependency.

Further, on pg. 7 of the current Office Action, the Examiner states that claim 3, "requires the use of Switched Virtual Circuits (SVC) and Permanent Virtual Circuits (PVC)." However, Applicant does not concede to the Examiner's interpretation that the claim absolutely "requires" the SVC and PVC of the Chiu reference.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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